CONTEST OF THE PEDS.

EVENING WORLD'S EXTRAS.



corordo.

A MINE OF WEALTH

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NEW YORK, WEDNESDAY, NOVEMBER 28, 1888.

CORNELL'S LOST LEGACY

The New York Court of Appeals Declares Void the McGraw-Fiske Endowment.

OF THE CONTEST. HISTORY

A MILLION AND A HALF VANISHES.

History of the World Slips Through Cornell's Fingers-A Curious Thread of Circumstances-The McGraw Treasure an Apple of Discord in the University Management-It Hou-doos Everybody Who Handles It-What Does Prof. Fishe Intend?

ded that the Mrs. McGraw-Fiske bequest of \$1,500,000 to the Cornell University is void. An appeal will in all probability be taken by the University to the United States Supreme Court at gton. The remarkable facts about this celebrated case are that the suit was brought by professor and devoted friend of the University, with Gov. David B. Hill (an ex officio trustee of the University) as his counsel to brak his wife's will, made at his own instance. The road provision in the charter of Cornell Univer-Douglas Boardman, of the Supreme Court, who trewMrs. McGraw-Fiske's will. The trustees forgot to have the charter corrected until one year too late. They were lawyers, had before them the report of the University Treasure: showing that iring the legislation known as "the Law of 881," against which the New York Alumni proested. Another highly interesting fact in nd just after having made his will, or which he the university, not merely at that may come to erty his wife had given him personally. Mr. Henry reat library building planned to be built from the McGraw-Fiske legacy to be pushed forward to completion, thus adding \$300,000 to the half-mil-

ten he had already given.

ALEANY, Nov. 97, -The Court of Appeals to-day the McGraw-Pinke will case. The dec is against Cornell University and deprives it of \$1,500,000 willed to it by Jennie McGraw-Fiske, estate. The deciaton is based on the fact that Cornell University was limited by its charter to property pomessions not exceeding \$3, 000,000, and that it had that amount before the bequest of Mrs. distribution of the money, which will involve long lingation. David B. Hill, before his election as Lieutenant-Governor in 1882, was one of the counsel who brought the suit against the University.

A MILLION AND A HALF AT STAKE.

Carlous History of the Fiske-Cornell Uni versity Litigation.

Present we the world.]

Truaca, R. T., Nov. St.—Topay-turvy is librora, the seat and site of Cornell University. There is only one topic of conversation in this town, and that is the great suit at law in which Willard Fisks, only one topic of conversation in this town, and that is the great suit at law in which Willard Fisko, late Professor and Librarian of Cornell, occupies the position of plaintiff, while the University, through its Trustees, ensets the defendant's role. The decision against the great institution is discussed everywhere—in the streets and the stores, at the table, at social gatherings, at the polls on election day—and for once politics interested nebody in a village which is one of the biggest spokes in the Republican machine. The people are all abless in 'their excitement and indignation, and Prot. Fiske's movives in unceasifully breaking whe will of his late wife, nequestifully nearly \$1, 250,000 to the University, are characterized in he moderate terms. "He wants to rob Cornell so that he may obtain money to spend in dissipation in Italy, the villails," is the thacked way of putting the mixter. To an unblassed whiter the classesy of Immon's dander "he extremely leafurous. But the beat part of the joke is that the sentiments of the frustees respanding 1771. Fisks such his mostives, of which the above-quoted phrame is an expression, are fully reciprocated by that gentleman, even to the unshappy point of accusing some of them of setual disnonesty. Notther party realizes the full bitterness of the cheek, out if is as let to say, as the result of a few hours recently passed in linkac, that if Frot. Flake could suddenly be transported from his listed for the other of the Cornellias village he would find a real-not Rornet's near cool and comfortable quarters in comparison with it.

The history of the Jennic Mattraw-Fiske legacy to Cornell University, and of the uncertying reasons

The history of the Jenne Melraw-Fisks legacy to Cornel University, and of the uncertying reacces of the contest, has never been written, though 2: is no secret in Thacas. It is a story the beginnings of which date back to the foundation of 72 university, and the threads are closely intervowed with those pertaints, to the financial Phinty of the institution. The simple Reck, relation as they are known to all acquisition of the University, read like a remande and are quite as interesting.

That time is prist. Most of them can described by documentary systemons and by the sworm alterments of the University.

**Consultable endowment and rather structured as proposed. The description is to a certain extent a property of the University.

**Order University is to a certain extent a property of the form of the concerned it twees the State a much market desired gravitated than is reversity supposed. The United States, through Congress, gave the State of New York about a million dorse of tumber land in see Wess, with the idea that it was to be sold and the proceeds were to go to the foundation of a State uniterating. At the same fine, informating, Congress presentes the other batters in the market as one it brought down the possible selling price to shout 60 conts an acre—a

ridiculously low figure. The matter was brought to the attention of Eura Cornell, who had an ambitiou to found a college, and who, having made a lucky strike in Western Unios, was as that time rich. Mr. Cornell maid—and subsequent events proved him right—that 60 cents an acre was no adequate price for the land, and if the State sold it at that price it would be roboting its future university. Finally, he placed it in this generous way: He agreed to buy the land at the State's price, giving them the proceeds—over half a million dollars—with wates to start inings going. In the mean time he would hold the land for the university, pay the taxes out of his own pocket and when the price went up, then it might be sold for the benefit of the inativation. In this way as hoped to resitte millions for his university, while only giving five or six hundred thousand out of his own pocket, by preventing the State from sacrificing the land when there was no market for it.

SAVING THE LAND GRANT.

This took place previous to 1870. Time passed on, the university was started, money was wanted but no price could be started, money was wanted but no price could be started for the land at all approaching Mr. Cornell's expectations. Then the university began to get involved in debt—bank-ruptly stared it in the face several times—and the

Chapter second of this curious history brings in a new character in the person of Prof. W. C. Russell, the Iten Vice-President of the University, and a man then respected as one of its most zealous, hard-working, faithful friends, Indeed, it may be said that three members of the Faculty stood pre-eminent as men who lived only to advance the organization and growth of the institution, and who worked day and night to attain that object—worked so untirlagly that they seriously undermined their own health. These men were the words be uttered f.—Pros. Williard Fishe. President White gave not only of his life and brain, but

minutery and the country of the continue her presence of Russel called apen her to continue her presence of Russel called apen her to continue her risther's quarret?

Ithaca is a peculiar town. Although large enough to be a city, and containing several social "hots," the place is meniar in feeling, and on the topics connected with the University it votes as one man. The entire village, apparently, hangs by a single bog.—Cornell University. When the contents of Mr. McGraw's will were made known a regular titual wave of popular feeling "rose at Prof. Hussel, just as it has now risen against Prof. Flake, and from that moment his doom was scaled. Perhaps the one person who never expressed himself one way or another was the one whose verdict was most anxiously awatted—Jennie McGraw. When consumption attacked her and it became known that her days on sairth were to be soon numbered, the local trustees called a meeting and automarily bounced Prof. Russel, without giving aim say reason for the action or even writing for a meeting of the full Board, and taking advantage of President White's absence in Europe in dealing this blow to his particular friend.

A BURBAND FOR JENNIE.

A RUSSAND POR JENNIR.

of President White's absence in Europe in dealing this blow to his particular friend.

A RUSSAND FOR JENNIE.

Then opens chapter three of this comedy, which rejust well he callided "The Tominitation Trustee; of, A faint for an Endown eat." Another cause for anxiety arose in the usinds of the gentlemen who ware most actively interesting themselves in capturing this prize for the university. What if Miss Jerlide were to get married to some scatter-brained Aponditrilt who wared not a straw for Cornell and who would waste her precious dollars in enhancing his own unworthy comfort? This await continuency was by no means impossible. How to avert it? Way, by a flank movement, to whom Cornell was an ideal? Was such a man to be found? Yes. Prof. Willard Flake. Now, Jennie McGraw was a yery high-toned and ansceptible lady, and Flake, with his refined insides, his wealth of knowledge, his genuine such testing and his devotion to his art-for the true libraries is an arist—was a very fascinating fellow and just the sort of man to please and satisfy her. It was well known that they had long been close friends, but their frieadship would probably uswer have taken the form of a marriage had it not ceen for the triendly thats given on both sides by Judge Boardman.—who was accompanying the heiress as her man of business—and the Freuer when he expected Miss societae. When the instrusive was fashly arranged Judge Boardman introduced, as a special precaution, the marriage was fashly arranged Judge Boardman introduced, as a special precaution, the marriage contract, since became famous, by which the vaboand agreed set to interfere with the wife's disposation of her money. It was signed by Prof. Flake and witnessed by Prof. Piake and witnessed by President White.

Jenne McGraw's hussiand did not please the manufacture of the section of as marriage was family arranged Judge Boardman introduced, as a special precaution, the marriage contract, since became a health tip up the Nile, and they specify the time of the health when the proper

they considered his position regarding his wife and their future and hinted that his services could now be dispensed with.

THE LAST STRAW.

lage of libacs.

WILL GO TO WASHINGTON.

Mr. H. W. Sage, one of the wealthiest foundser of the university and its wealthiest frustee,
said to-day: "I am surprised at the decision.
We shall now have to ask the Supreme Court of
the United States for an interpretail on of the law
of Congress which gave the land in trust whether
they meant to give tas land, as the law requires, to
the State is trust for the university, or whether
they can give it to any one who can buy it. I have
always had great faith that we should win the seit
upon these grounds."

Apaches Must Hebave New.

ISPECIAL TO THE WORLD.!

TUGSON, ATL., Nov. 27.—There is general reolding throughout Arisona and New Mexico on
account of Gen. Miles being placed in command of
the Division of the Pacific, as it means no more
Apache wars, ranchmen all feeling that with Miles
in command there is no denger of outbreass.

The "Apache Kid" and three other Apaches recently pardoned by the President and returned
from Alcatras to the San Carlos Indian reservation
have been brought here under arrest, charged with
the marder of Dichl and Mike Grace. These
Apaches were the military scouts who mutinied
and with a number of others broke from the reservation in Jess. 1881, and murdered Dichl and
Grace. The scouts were trued and convicted before
a court martial and sentenced to imprisonment.
Their pardon and return to Arisona opened the
way to punish them for murder. The proof against
them is said to be clear.

Injured by Runnway Truck Herses.

Injured by Runaway Truck Herses.

Mary Ryan, aged thirty years, of No. 6! Rooseveit street, and Bridget Devlin, aged nineteen years, of No. 62 Plymouth street, Brooklyn, were knocked down and seriously hurt last evening in Penri atreet, bear Park, by a runaway team of borses attached to a truck. The abimais also ran into a plate-glass show window in the store of Jacob Silverborg, No. 50s Pearl street. They were captured before they did former damage. They women were taken to Cambers Street Hospital in an ambulance. Their injuries or not of a dangerous nature. John Griffin, of No. 36 Maduson street, the driver of the lears, was arrested for allowing the horses to smud anattended in the street.

Chewing Gum Killed Her. REWTOWN. CORD., NOV. 27.—Mary Murphy, sixteen years old, a waiter girl is the principal hotel here, died two days slose of a singular malady which is calculated to slarm habitual num-chewers. Hiss hurphy was addicted to the malication of sum, even carrying a morse between her teeth when she went to bed. While she was a leep a short time ago the piece of gum hipped down her threat, ledged in the cutrains to the stomach and caused a faial niceration.

Nail Siannfacturers Combine. inputat. so the wante.; Whenting, W. Va., Nov. 27.—Represen

of milis belonging to the Western Cut Nail Associa-tion to-day adopted a plan for establishing a unl-form rate for the product and put a cheen to the cut-threat beautens now practiced. They will have a guarantee fund as a piedge of good faith from

10.30 O'CLOCK

Havlin Knocked Out in Twenty-five Rounds at Frisco.

A Great Surprise, but the Battle Was Won on its Merits.

Boston's Feather-Weight Was In Fine Fix and Had the Money with Him.

SAN FRANCISCO, Cal., Noy. 28.—There has really been recognized in the feather-weight class but four men with pretensions to championship honors. These were Ite Weir, Frank Murphy, Jack Havlin

Club to get the question decided, and to that end they secured Tommy Warren and offered a purse

was very paid. Havila wore his oldtime amilie, and acted as if he wanted to feel
out his man. Warren lad with a left-hand
swing on the ribs, and missed a right-hander
aimed at the jaw. He shrived in to rush havilin
again, but was stopped by a meat left-hand counter, which brought the team from his eyes. Light
sparring followed, and Warren again tried his rushing tactics and ancoceeded in acting in several good
body blows. Time was effled with both men
searring at long range. Warren has decidedly
the best of the round.

Round 2—Warren, evidently encouraged with
his good showing in the previous round, forced the
fighting in the second. He seemed to be all ever
the Boston lad at once. Havilin's face and
neck snowed signs of the hard punishment he had
received, and some of the spectators, who know
only by report of Havilin's stayling powers, offered
odds on warren.

In trying to get his right on Havilin's jaw
Warren was countered so severely that he
found it Recessory to clinch in order to
save himself from being punished. The
men were ordered to break sawy, and at once
some very acroe infighting occurred. Beta men
were pounding each other justily when the call of
time was acard.

Round 3—Odds were again offered on Warren,
and a few beta were made. Warren started in
by forcing the farkting, and so fire
were his runhes that Havin was forced to
retreat around the ring to save himself. Warren
became a little careless is his excitement and war
visited on the body several times, and the farting of
the fourth round. Both men went at each
other likes mad busis. Blow fitter hlow
resounced through the club reare, and
the fighting did not end until the
expiration of the throw minutes Warren rushed
Havlin to the rones several times, and by savage
blows in the face drew blood from the Boston man's
eyes and note. Havlin, in leading, was caught
on the jugular sand each to the floor. He
got up again quickly, by Warren sent
him down by another blow in the same place.
The Boston man managed to regain his
feel before the expir

Gen. Sherman's Wife Bead. Mrs. Ellen Ewing Sherman, wife from

Gen. Sherman, died shortly after 9 o'clock this morning at her home, 75 West Seventy. first street. She had been suffering of heart trouble.

His Disgulos Came Off.

Curcaco, Nov. 27.—Policemen last night arrested a hunchback with long red whiskers and gogsles, who was proving around the house of Cot. Tascott, father of the supposed murderer of Milisonaire Spoth. At the station the man's nump, which

SPLITTING THE GRAND ARMY.

the Matter, and Other States Are Falling into Line with Them-Democratic Ex-Soldiers in Pennsylvania and Illinois Are Angered-Republicans Pach-Poch It. Despite the reflerated assurances that "there is

so politics in the G. A. R., " Democratic veterans in Indiana and other Western States uphold tien, Palmer and Gen. Slocum in asserting the cantrary. The Indiana Democratic ex-soldiers are "fighting mad" and have almost completed preparations for establishing a separate order. Commander-in-Chief Warner is coming East, but refuses to dis-

INDIANAPOLIA Ind., Nov. M.-About twelve hundred Democratic veterans, members the Capitol building last night a scoret meeting at which it was resolved that every Democratic member of the G. A. R. should shandon the order, and all present pledged themselves to withdraw from and a constitution for the new order proposed by the Democratic veterans were adopted. The new ecter. Another meeting will be seld to-night, and serting the G. A. R. will be given, and the princ ples and objects of the new order laid before the public. Adjt.-Gen. Koontz says similar meetings

one from John A. Worman, Secretary of the Democratic Societies of Pennsylvania, promising that every Democratic soldier in Pennsylvania will leave of the Societies, who ran against Beaver for Governor, is at the head of the movement in Pennsylvania. Mr. Koontz cays that but few Indiana Democrate have attended the Grand Army meetbeen holding meetings ratifying the election of Harrison and Hovey.

It is pretty generally believed that Congr ample of Gen. Palmer, of Illinois.

MINNEAPOLIS, Nov. 27. - The despatch from Indianapolis regarding the probable withdrawal of late Commander-in-Chief, thought the extent of the G. A. R. Nothing would be gained by establish ing a Republican and a Democratic G. A. R. He was satisfied there was no ground for Gen. Pal-

CHICAGO, Nov. 97 .- Major Warner, the newly elected Commander-in-Chief of the Grand Army of the Republic, arrived in Chicago from Kansas City this afteroon, and leaves for New York to-morrow. "No, we do not discuss politics in the Grand Army," he said, in answer to a question, " and if any one says so, and is dissatisfied with the Order, he may withdraw."

He was asked about the reported intention of Gen. Palmer and other Demograts who have been or are members of the Grand Army to form another veterans' society. The only answer the Commander could make to that was: "I have grop the whole matter."

WASHED AWAY BY THE WAVES.

Debris of One Hundred Cottages Floating in the Sea Off Atlantic City.

When the residents of Atlantic City swoke yes day morning they were greeted with the first rays of sunshine in two days. The city loses about \$4,000 in board walk, while private walk-owners will lose \$600. Alfred Adams, jr., at Virginia, to a sufferer o the extent of \$1,500, while G. W. Jackson, o the extent of \$1,500, while G. W. Jackson, opposite, will lose \$600. Both were proprietors of bathing establishments. Other uptown unfortunates and their losses are as follows: Chas. Johnson, bathing establishment, \$4,000; James T. Bew, batas, paviltons and bathing suits, \$4,000; Alfred Adams, pavilton and baths, \$400; Kidd's photograpa gallery, \$500; Ratad's photograpa gallery, \$500; John Chemeni's store, \$1,500. All these buildines were totally wreakes.

Mrs. Ellen Wright's property at New Jersey avenue loses about thirly feet of the sea end, and the cottage is being moved back to prevent the sea from undermining its foundations. The fron pier was slightly damaged.

The southern district was thickly built and the night since the gale subsided in startling. A hundred small houses have been broken to spilmers and the ddoris is foosing bers and there in the sourf, or thrown high on the beach by the waves. The loss here is heavy and range from \$500 to \$6,000 to each owner. John Doyle, George C. Glovernator and Win. Bowker are probably the heavies losers, as each suffered the loss of habosome Bommer gardens.

Below the sity the Half-way House is totally wrecked, at a loss of \$5,000 to its owners. A careful estimate of the chire damage done in the city places is \$54,000 and it may redea \$50,002.

Below the city the Half-way House is totally wrecked, at a less of \$2,000 to in owners. A careful estimate of the entire damage done in the city places is as \$60,000 and it may recked \$0,000.

The yil Researcher Drumgoole.

The old traditions of Father Drumgoole.

The boys from the Home on Lafayette place will parade down Broadway to the States Island ferry. Whence a special train will take them to Mount Lorette. Over two thousand pounds of turkey will disagness before the attack of the youngstors. Father Dougherly has also invited all the old graduates of the Home to participate in the feativities. The boys will all remains at the island Home till Gastrein, when Judge Mergan O'Brien is to Prankingtving the band of the Home will except the varrans of the Skir-nists to the chapel in Lafay-time shall be in a lastes.

At miningtving the band of the Home will except the varrans of the Skir-nists to the chapel in Lafay-times of requirem for the repose of their dead company to the first policy. We have been then will a first policy of the states of the foundation of the Skir-nists to the chapel in Lafay-times the leaf of the Home will except the will all ferry be made of the Home will except the band of the Home will except the beautiful and the state of the repose of their dead company.

The boys trought the them to Mount Lorette. Over two thousand pounds of turkey will discount a special train will take them to Mount Lorette. Over two thousand pounds of turkey will discount a special train will take them to Mount Lorette. Over two thousand pounds of turkey will discount and the remain will have a second place.

To that end do set about working the swarp will be succeed the condition as a lastes.

At minington, when the city is deferred to the condition as lestly.

George Cerawright, true to his custom, here all of the third day in his face.

However made to the Philadelphian to the custom, here the city of the third day in his take the hold of time his the the last the believe to the subject to the subject to a sub

10.30 O'CLOCK

${f MOORE}.$

The Third Day Opening Finds Him Still Ahead.

But at 9 O'Clock He Was Below Albert's Record.

Only Eighteen of the Peds Left this

a Letter and Cries "Oh, Mary!"

Herty ...

PRICE ONE CENT.

Golden start AND DAY'S LETTER.

Petey Golden slept from 3 to 7 o'clock this morning, and then after a few turns of the track under an overcoat, the Pattime athlete festimed his o'd gait and cheerfel smile. He was in prime condition, though he did exclains: "This as inhuman?" as he surveyed his fellow-sufferen.

Sam Day got a letter in the early morning which tickled him awfully. It made him feel so good hat his spo-trophica to "Ch Mary!" were unsertaily frequent and fervant.

Moore, 207 miles 6 lans; Herty, 256, 4; E 252, 4; Littlewood, 340, 5; Cartwright, 344, 245; Golden, 208, 1; Mason, 257, 3; 258, 2; Hart, 197, 5; Floor, 208, 4; W. Sumill, 185; Smylly, 187, 6; Floor The record: Rowell, 258, 1; Albert, F 1868, 207, 4; Littlewood, May, 1858, 261, 4.

THE RACE WITH THE RECORD.

Rowell's Marvellous Third Day Performance Still Leads the Procession of Peds.



Herty supplicated Cartwright in second place at a little after 3 o'clock yesterday afternoon, and at 6 this moraling, with one and one-half hours' sleep behind this, he was still second, with a lead of just 5 miles, though he was 11% miles behind Moore.

During the night the Yorkshireman, Howarth,

had overtaken Cartwright, Littlewood, Day and Golden, and was third in the race, with 941 miles Littlewood suffered again with nauses last evening, and fell behind a little. It was shown more by his soure than by his position, however, as Cartwright, Day, Hart, Gotden, Mason and Con-

nor had lagged from various causes. At daybreak the race was a pretty one, with the acores of the five leaders all within a range of twenty miles.

Twelve men, including the Bridgeport fragment of time, had passed the no-mite post.

The work of the leaders during the early morning was like this:

348. 3 241. 0 245. 0 48. 1 253. 6 268. 2 268. 3 260. 0 269. 6 267. 3 247. 1 246. 7 268. 7 269. 2 727. 4 269. 1 261. 7 261. 7 227. 0 228. 2 258. 0 288. 6 298. 5 298. 0 200. 0 At midnight Moore and rooted 240 miles, which was two miles better than Albert's work in the February race.
To all appearances the Philadelphian was in as good condition as was Albert at the beginning of

when Wednesday began, and E. C. Moore, the Philadelphia boy, still led the procession.

He stept two hours in the middle of the night and was quite fresh and limber, with 558½ miles to his credit at 8 evolock this morning.

The record for this, the sifty-fourth hour, is 578 miles, made by Charlie Rowell in 1882; but Jimmie Albert had scored only 257 miles 5 laps at 6 o'clock on Wednesday morning in his record-breaking race, and Litviewood had accred but smo miles in the race of May last, when he Subhed 611 miles.

Herty supplicated Cartwright in second place at a little after 3 o'clock yesterday afternoon, and at 6 this morning, with one and one-hair hours sleep behind thin, he was still second, with a lead of

KNELT IN THEIR NIGHT ROBES.

Spectral Scenes on a Baltimore He with Finnes Beneath.

BALTMORE, Nov. 27.—An exciting fire needs early this morning in the Dismond Hotel, 301 P early this morning in the Diamond Hotel, 307 Pulm street, run by Paul Thiel. The lower floor is used as a theatre mad the second is occupied by seventifamilies. About 2.30 p'clock, when the occupation of the rooms above had retired and ine theatre was closed, fire was seen bursting from one of the account story windows by some men on the street, who at once sent an airm. Meanwhile the occupants of the house had become around only to flad that escape by the story was cut off by the famule. In an instant they all reahed for the roof of line escape by the door was cut off by the farmet.

In an instant they all reals of or the roof of the building. They had not taken time to drom, and the women, clad only in thin night-robes, their on the roof with their children chaped in their semi, while the men, appearing gaust and speciful through the smoke, stood up and shouted limitly for help. There was no hamediate danger, and an soon as the fire occurrent arrived several ladden were run up and all were taken down. A few moments later the fire has been extinguished and the occupants were allowed to return to their rooms.

WARRENOTON, Nov. 25. -A mounties was to

in Washington a year ago by the publication remarkable story of the domestic infelice. Affred S. Witherbee, a web-known broken this city. The story was replete with roman cidents and terminated in life. Witherbee reseway to Texas with a inwace, and te-day a gwan filed by Mesers. Brook Totten and W. Kehney, for Witherbee, asting that the mabe dissolved. The politicoge states that was nearly from his with was living in Humarcs, Tang were married on Feb. 18. 1885, by ise W. A. Leonard, rector of St. John's Roll Church. The husband says that the time game of Marie Automatic Duming intend of own, Sarah Leona McCarthe, and four matter the wedding size deserted this. At I amination queer developments are expected. in Washington a year ago by the publi